

REMARKS

Claim 11 calls for a packetization device to packetize independently at least two moving picture video streams in different frame rates for transmission thereof to a display device "without converting the frame rates of the moving picture video streams to a common frame rate."

The claim is rejected under Section 103 over a single reference. On its face, it is hard to see how a single reference Section 103 rejection could ever be sustained.

In this case, the single cited reference is cited as implicitly or inherently teaching what is claimed. To the contrary, the reference is explicit that it does exactly what the prior art does. Therefore, the asserted single reference Section 103 rejection fails to make out a *prima facie* case, especially since the reference explicitly teaches away.

In column 8, there is a reference to alarm or sensor signals that may be utilized to automatically reconfigure the system operating mode. One way it does this is by "increasing the frame rate ... for an image source associated with the sensor which has initiated the alarm condition." The text goes on to explain that the displayed windows and image sizes may be reconfigured. Thus, the reference is explicit that when a different source is provided for video, for example, in response to an alarm condition, that the frame rate must be adjusted.

The claim calls for providing the video streams to the display device "without converting the frame rates." Therefore, the reference explicitly teaches away.

Moreover, the material just described is the explanation for the material relied upon in the office action which talks about video coming from different alarm conditions. For example, the final rejection cites column 7, lines 43-46. This is non-explicit with respect to anything having to do with frame rates. The final rejection also cites column 3, lines 34-44 which talks about the image representations not being identical to the sizes and rates used for video monitors displaying the image. As explained later, in column 8, it is clear how this is handled. It is not handled as is claimed, but as suggested all along during the prosecution, the frame rate is simply adjusted.

Moreover, in many places throughout the application, the reference teaches using a common unified frame rate of one frame per second. For example, in discussing Figure 2, it is explained that the display shown there records all its windows at one frame per second (FPS), see column 5, line 20. The embodiment of Figure 3 includes a different display, but still uses

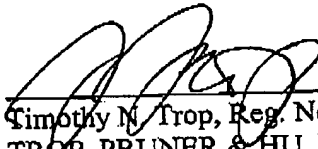
one FPS. See column 5, line 35. Figure 4 shows still another embodiment still using one FPS. See column 5, line 47. Figure 5 shows still another display embodiment still using FPS. See column 5, lines 18 and 19.

Since the reference explicitly teaches away from the claimed invention, there is no basis for the supposition that it works as claimed, despite assertions of silence at the point of novelty. To the contrary, the reference is explicit and teaches doing exactly the opposite of what is claimed.

Therefore, reconsideration would be appropriate.

Respectfully submitted,

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